

From: Nolan, Tim

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Cc: Nolan, Tim

Subject: HSR and persons with disabilities

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To Mayor and Members of City Council,

The Accessibility Hamilton Alliance (AHA!) writes to you with respect to the pending deadline, July 01, 2024, of the Fare Assist Program (FAP) waiver extension for persons with disabilities approved by Council in January, 2024. The extension is appreciated, however, effective July 01 persons with disabilities in Hamilton whose income is at or below the Low Income Measure (LIM approximately \$28K/person or \$57K/family) will be compelled to pay for conventional or paratransit bus fare which will be a significant hardship to household income.

Many people with disabilities who live with one or more impairments, which render them virtually unemployable or capable of earning any meaningful income, cannot afford the high cost of transit particularly when they live month-to-month on ODSP or similar limited income programs.

The same is true for people in other communities across the province, but regardless of what fare payment options are available, or not, in other communities you as Councillors need to be concerned solely with what is provided in Hamilton. However, if curious other communities such as London, Mississauga, Oakville, Toronto and Ottawa all have some type of bus fare exemption program.

There are people with disabilities in Hamilton who will be unable to afford transit after July 01, 2024. The impact of this will be devastating to their health and well-being.

Bus fare requirements for persons with disabilities copied verbatim from the AODA regulation state:

Fares

46. (1) No conventional transportation service provider shall charge a higher fare to a person with a disability than the fare that is charged to a person without a disability where the person with a disability uses conventional transportation services, but a conventional transportation

service provider may charge a lesser fare for a person with a disability. O. Reg. 191/11, s. 46 (1).

(2) Conventional transportation service providers that do not provide specialized transportation services shall make available alternative fare payment options to persons with disabilities who cannot, because of their disability, use a fare payment option. O. Reg. 191/11, s. 46 (2).

(3) Revoked: O. Reg. 165/16, s. 8.

The HSR currently offers many other special programs for its customers without evidence of any monetary hardship: children under age 12, seniors over age 80, and for post-secondary students. There can be no financial hardship to the City to offer a new “Fare Pay Program” for only those persons with disabilities unable to afford transit and who live at or below the LIM. The Ontario Human Rights Commission permits one. The AODA regulation 46, as noted above, supports one, if not outright requires one.

The establishment of a new “Fare Pay Program” should not require Council to undertake any reconsideration of previous decisions. In fact, the establishment of a new program has been supported by both a recommendation from the General Manager of Public Works, and approved by Council earlier this year:

February 05, 2024 PW 21056

- a) That City Council, further to report PW21056(a), permanently provides delegated authority to the General Manager, Public Works to establish short-term fare promotions for the purposes of stimulating transit ridership recovery, encouraging new customers, and promoting the new network design;

This report and Council direction does not define “short term”. However, based upon Council’s direction past “short term” can be as short as 11 years and as long as 70 or more based upon the declaration of the Ontario Human Rights Commission as communicated to the City circa 2013 when the temporary bus fare exemption program was approved and not replaced until 2024 with the FAP.

Therefore, the AHA! Respectfully proposes that Council act quickly to either:

Direct the General Manager of Public Works to establish a “Fare Pay Program: for people with disabilities who live at or below the provinces LIM. This program provide complimentary bus fare for people who qualify.

OR

Council move to create a “Fare Pay Program” effective July 01, 2024 for persons with disabilities who live at or below the LIM. This program provide complimentary bus fare for people who qualify.

The new “Fare Pay Program” be in place on or before July 01, 2024; and,

Should it not be possible for the “Fare Pay Program” to be in place on or before July 01, 2024 that the 6 month exemption period for people with disabilities be extended within the Fare Assist program until such time the Fare Pay program can be activated.

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